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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

BUI, KIEU OANH T

ART UNIT PAPER NUMBER

2611

DATE MAILED: 09/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/676,381

Applicant(s)

RAHMAN, REZAUR

Examiner

KIEU-OANH T BUI

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 17-23 and 25-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 17-23 and 25-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Remark

1. Claims 16 and 24 were canceled in the amendment dated 06/02/04.

Response to Arguments

2. Applicant's arguments with respect to claims 17-23, and 25-35 have been considered but are moot in view of the new ground(s) of rejection and the following modified version of action addressed to the Applicant's arguments about the Examiner's official notices (see below for further details on the Examiner's arguments and supportive statements).

Claim Rejections - 35 USC 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 17-19, 23, 25-27, 31-32 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones (U.S. Patent No. 6,453,355 B1).

Regarding claim 17, Jones discloses a source transmitter, a media server (as shown in Fig. 8), comprising: an interface to a communications link, a memory, and a logic circuit to transmit an announcement comprises an attribute to announce metadata that provides information about at least one available video program or enhancement to be received at a client receiver, i.e., a media server 694 communicates with a client system 682 (as shown in Fig. 8) via data communication link 686 regarding as an interface for communication link, when a user at

the client device requests a presentation, the source transmitter server transmits data information as an announcement including metadata information to the client receiver (Fig. 3 for a procedure to present media data including metadata to the client receiver, and col. 7/line 55 to col. 8/line 65; and Figs. 4-5 for meta-data information, and col. 1/line 50 to col. 3/line 60 for detailed information on meta-data, with “moov” (in figures) denotes “meta-data”); furthermore, the media server further includes a memory and a logic circuit to perform the mentioned process (Fig. 7 for a digital processing system, which may be used in either a client server system, a web server system or a conventional server system, col. 15/lines 15-15 with either memory 654 or a mass memory 662 and a processor 652 for handling the logical operation of meta-data, as mentioned in col. 2/lines 39-49).

In addition to claim 17, Jones does not disclose “wherein said announcement is compliant with an Advanced Television Enhanced Forum (ATVEF) standard”; however, the Examiner takes Official Notice that this is not a novel issue since the Applicants basically apply the present claiming system to comply to a standard which already developed by others, namely the ATVEF, also admitted in the present specifications, which develops standards for television and Internet sometime in the early 1999 or earlier. In addition, Jones discloses that Jones’ system is fully compliant with IETF specifications (col. 10/lines 1-12); and IETF refers to Internet Engineering Task Force, or a forum where engineers and programmers have cooperated for solving programs of Internet’s phenomenon growth with standards including Dynamic Host Configuration Protocol (DHCP), IPv6, Lightweight Director Access (LDAP) and MultiProtocol Label Service (MPLS) and so on; while ATVEF is simply referred to standards of an industry group for future combination of the Internet content with broadcast television using IP, HTML and Java Script

(Newton's Telecomm. Dictionary). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Jones' system with Jones' suggestion of compliant to Internet standards with a known standard as of the ATVEF Group for combination of the Internet and the television in order to comply with this standard for communicating between servers and clients using the television and Internet systems.

As for claims 18 and 26, Jones further discloses "wherein said announcement conforms to a Session Description Protocol (SDP)" (col. 24/lines 36-42 as SDP is used).

As for claims 19, 27, and 32, Jones further discloses "wherein said announcement comprises an identifier for said metadata", i.e., meta-data comprises a track header with its ID as an identifier (col. 3/lines 5-40).

As for claims 23 and 35, Jones further discloses "wherein said logic circuit transmits said metadata after said announcement has been transmitted", i.e., after notifying the client at step 309, metadata can be optionally reassembled at the receiving device, and the media can be played based on hint tracks for different network transports (col. 9/lines 12-47).

Regarding claim 25, Jones discloses "a machine readable medium comprising a software routine to cause a logic circuit to transmit an announcement including an attribute to announce metadata that provides information about at least one available video program or enhancement for receiving at a client receiver" (see col. 15/line 15 to col. 16/line 37 for a machine readable medium).

In addition to claim 25, Jones does not disclose "wherein said announcement is compliant with an Advanced Television Enhanced Forum (ATVEF) standard"; however, the Examiner takes Official Notice that this is not a novel issue since the Applicants basically apply the present

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claiming system to comply to a standard which already developed by others, namely the ATVEF, also admitted in the present specifications, which develops standards for television and Internet sometime in the early 1999 or earlier. In addition, Jones discloses that Jones' system is fully compliant with IETF specifications (col. 10/lines 1-12); and IETF refers to Internet Engineering Task Force, or a forum where engineers and programmers have cooperated for solving programs of Internet's phenomenon growth with standards including Dynamic Host Configuration Protocol (DHCP), IPv6, Lightweight Director Access (LDAP) and MultiProtocol Label Service (MPLS) and so on; while ATVEF is simply referred to standards of an industry group for future combination of the Internet content with broadcast television using IP, HTML and Java Script (Newton's Telecomm. Dictionary). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Jones' system with Jones' suggestion of compliant to Internet standards with a known standard as of the ATVEF Group for combination of the Internet and the television in order to comply with this standard for communicating between servers and clients using the television and Internet systems.

Regarding claim 31, this claim is rejected for the reasons given in the scope of claim 17 above for ATVEF standard issue with further "means for storing an announcement" as Hint generation and processing unit within server 694 (Fig. 8) can be stored within memory or mass memory of a digital processing system within the client server (Fig. 7, and col. 15/line 15-44 7 col. 16/lines 14-37).

5. Claims 20-22, 28-30, and 33-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones (U.S. Patent No. 6,453,355 B1) in view of Blackketter et al. (US Patent 6,560,777 B2).

Regarding claims 20, 28, and 33, Jones does not further disclose “wherein said identifier comprises a Universally Unique Identifier (UUID)”; however, the Examiner takes an Official Notice that this is well-known in the art and it had been developed by the others. UUID or Globally Unique Identifier (GUID) is commonly and widely used in the world; and it is a numeric or alphanumeric string of characters or bits, and generally being understood by all systems (Newton Dictionary, 19th edition). A universal resource locator or an URL such as www.uspto.gov is an example of a GUID or UUID. Jones suggests that the system includes a network of computer systems using protocols such as TCP/IP, ATM, SNA, SDI etc for exchanging information as well as HTML documents (Fig. 6, and col. 13/line 55 to col. 14/line 67), and UUID as mentioned is inherently a part of TCP/IP protocol. Furthermore, Blackketter, in a same environment of providing media services to users (Fig. 3, and col. 2/lines 30-67), teaches to further include a Universal Resource Identifier or URI served an exact same purpose as the claiming UUID of the present application (see Blackketter, col. 3/lines 1-30). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Jones’ system with a known technique as using an UUID as an identifier or an URI as taught by Blackketter within the announcement from the source transmitter as desired. The motivation for doing this is to provide the receiving device an URI of the destination source for additional information via the Internet.

As for claims 21-22, 29-30, and 34, in further view of claims 20, 28, and 33 above, the combination of Jones and Blacketter teaches “wherein the announcement comprises a network address for a database having stored therein said metadata” and “wherein said network address comprises an Internet Protocol (IP) address (see Blacketter, col. 3/lines 1-30 for URI as network address for a destination resource or a database having stored data and on col. 5/line 55 to col. 6/line 37 for TCP/IP addressed, and the data further includes metadata as disclosed by Jones as discussed earlier).

Response to Arguments

6. Applicant's arguments filed on 6/02/04 have been fully considered but they are not persuasive.

The Applicant's argument under the rejection 102 is moot based on the new ground of rejection as all pending claims are now rejected under the 35 USC 103.

The Applicant's arguments mainly on the Examiner's statements of Official Notices on claims 17, 25 for the ATVEF standard and on claims 20-22, 28-30 and 33-34 for UUID issue, and the Applicant notes that Jones does not suggest of such obviousness and a prima facie case has not been established.

The Examiner disagrees and believes a prima facie case has been established based on the suggestion from the disclosures within Jones' reference and to one of ordinary skill in the art, based on the already established system and method with a suggestion for standards to use, any one can easily elaborate and modify the existing system to a common and different standard developed by others. Herein, as noted about the ATVEF standard, the Examiner takes Official

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Notice that this is not a novel issue since the Applicants basically apply the present claiming system to comply to a standard which already developed by others, namely the ATVEF, also admitted in the present specifications, which develops standards for television and Internet sometime in the early 1999 or earlier. In addition, Jones discloses that Jones' system is fully compliant with IETF specifications (col. 10/lines 1-12); and IETF refers to Internet Engineering Task Force, or a forum where engineers and programmers have cooperated for solving programs of Internet's phenomenon growth with standards including Dynamic Host Configuration Protocol (DHCP), IPv6, Lightweight Director Access (LDAP) and MultiProtocol Label Service (MPLS) and so on; while ATVEF is simply referred to standards of an industry group for future combination of the Internet content with broadcast television using IP, HTML and Java Script (Newton's Telecomm. Dictionary). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Jones' system with Jones' suggestion of compliant to Internet standards with a known standard as of the ATVEF Group for combination of the Internet and the television in order to comply with this standard for communicating between servers and clients using the television and Internet systems.

There is a same reasoning for the UUID standard issue, as the Examiner takes an Official Notice that UUID is well known in the art, and others developed it. UUID or Globally Unique Identifier (GUID) is commonly and widely used in the world; and it is a numeric or alphanumeric string of characters or bits, and generally being understood by all systems (Newton Dictionary, 19th edition). A universal resource locator or an URL such as www.uspto.gov is an example of a GUID or UUID. Jones suggests that the system includes a network of computer systems using protocols such as TCP/IP, ATM, SNA, SDI etc for exchanging information as

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well as HTML documents (Fig. 6, and col. 13/line 55 to col. 14/line 67), and UUID as mentioned is inherently a part of TCP/IP protocol (see more above for the obviousness under the rejection 103).

Furthermore, Applicant's arguments do not comply with 37 CFR 1.111(c) since they do not clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. Further, they do not show how the amendments avoid such references or objections. The Applicant simply relies on the developed standards from others as "patentability" subject matters under the 35 USC 103.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872-9306, (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Krista Kieu-Oanh Bui whose telephone number is (703) 305-0095. The examiner can normally be reached on Monday-Friday from 9:00 AM to 6:30 PM, with alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant, can be reached on (703) 305-4755.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Krista Bui
Art Unit 2611
Sept.02, 2004


**KRISTA BUI
PATENT EXAMINER**